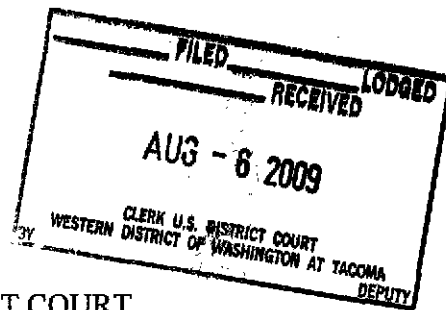


THE HONORABLE ROBERT J. BRYAN

05-CV-05197-ORD



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KELLY and SALLY SAMSON, husband and  
wife, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

CITY OF BAINBRIDGE ISLAND,

Defendant.

Case No. C 05-5197 RJB

[Consolidated case nos. 05-5197, 05-5198,  
05-5199, 05-5201, 05-5202, 05-5203, 05-  
5204, 05-5205, 05-5206]

STIPULATED MOTION AND ORDER  
TO FILE AMENDED COMPLAINTS,  
CONTINUE TRIAL DATE, AND  
AMEND CASE SCHEDULE

NOTE ON MOTION CALENDAR: August 4, 2009

**STIPULATED MOTION**

The parties jointly stipulate and move this Court for an order allowing Plaintiffs to  
file amended complaints, and for an order granting a 180-day continuance of the trial date  
and related unexpired case schedule deadlines.

Plaintiffs wish to amend their complaints to clarify certain facts and causes of action.  
The parties have agreed that Plaintiffs shall be allowed to amend their complaints and that  
Defendant does not waive any defenses to any of the claims in the amended complaints,  
including but not limited to defenses based on the statute of limitations and failure of any of  
the new language (i.e., new claims, parties, properties, etc.) in the amended complaints to  
"relate back" to the date of filing of the original complaints. The parties further stipulate and  
move for an order continuing the trial date for a period of 180 days and amending related

STIPULATION AND ORDER TO FILE AMENDED  
COMPLAINTS, CONTINUE TRIAL DATE, AND  
AMEND CASE SCHEDULE: Case No. C 05-5197 RJB - 1

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Attorneys at Law  
US Bank Centre  
1420 6th Ave., Suite 3010  
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Telephone 206.622.1711 Fax 206.292.0460

1 case schedule deadlines accordingly.

2 The 180-day continuance of the trial date and related case schedule deadlines is  
3 necessary because Plaintiffs just recently (June 11, 2009) retained the law firm Schwabe,  
4 Williamson & Wyatt to represent them in this case along with Dennis D. Reynolds. Per the  
5 federal civil rules and by agreement of the parties, Schwabe, Williamson & Wyatt was only  
6 recently substituted as counsel for Plaintiffs in place of Davis Wright Tremaine in an order  
7 signed by this Court on July 8, 2009.

8 Moreover, this is a factually and procedurally complex case involving many years of  
9 legislative enactments and appeals of those enactments. Significant written discovery and  
10 document production has already taken place. Continuing the trial and related unexpired  
11 case schedule deadlines for 180 days will allow Plaintiffs' new counsel to adequately review  
12 and digest the issues involved in this litigation as well as the discovery and documents  
13 produced to date. It will also allow Defendant to timely conduct whatever additional  
14 discovery it deems necessary in light of the amended complaints.

15 The parties propose the following revised case schedule:

16	February 19, 2010	Disclosure of expert testimony under FRCP 26(a)(2)
17	March 29, 2010	Deadline to FILE all motions related to discovery
18	April 19, 2010	Discovery COMPLETED
19	May 20, 2010	Deadline to FILE all dispositive motions
20	June 18, 2010	Deadline to HOLD settlement conference per CR 39.1(c)(2)
21	July 16, 2010	Deadline to HOLD mediation per CR 39.1(c)(3)
22	July 19, 2010	Deadline to FILE motions in limine (motions to be NOTED on the
23		motion calendar no later than the second Friday thereafter)
24	July 23, 2010	Deadline to FILE letter of compliance as to CR 39.1
25	July 30, 2010	Agreed pretrial order LODGED with the court
26	August 5, 2010	Pretrial conference will be HELD at 8:30 a.m. (Counsel shall report to

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Courtroom A)


August 5, 2010 Trial briefs, proposed voir dire and jury instructions due

August 16, 2010 15-day jury trial set for 9:30 a.m.

Dated this 3rd day of August, 2009.


SCHWABE, WILLIAMSON & WYATT, P.C.

By:

  
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STIPULATION AND ORDER TO FILE AMENDED  
COMPLAINTS, CONTINUE TRIAL DATE, AND  
AMEND CASE SCHEDULE: Case No. C 05-5197 RJB - 3  
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2 *Attorneys for Defendant*

3 INSLEE BEST DOEZIE & RYDER, P.S.

4  
5 By:

6 for:

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Email: rlarson@insleebest.com  
Attorneys for Defendant

10 **ORDER**

11 Based upon the foregoing Stipulated Motion and being otherwise fully advised of the  
12 premises, IT IS HEREBY ORDERED that:

- 13 1. Plaintiffs are granted leave to file amended complaints as attached to this  
14 Stipulated Motion and Order;
- 15 2. The current trial date of February 16, 2010 is hereby stricken. The trial shall  
16 be continued, and the new trial date shall be August 16, 2010;
- 17 3. The unexpired case schedule deadlines shall be amended and continued as set  
18 forth in the foregoing Stipulated Motion; and

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STIPULATION AND ORDER TO FILE AMENDED  
COMPLAINTS, CONTINUE TRIAL DATE, AND  
AMEND CASE SCHEDULE: Case No. C 05-5197 RJB - 4  
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1 4. None of Defendant's defenses to any of the claims in the amended  
2 complaints, including but not limited to defenses based on the statute of  
3 limitations and failure of any of the new language (*i.e.*, new claims, parties,  
4 properties, etc.) in the amended complaints to "relate back" to the date of  
5 filing of the original complaints, shall be deemed waived or otherwise  
6 prejudiced by this Stipulated Motion and Order.

7  
8 DATED this 5<sup>th</sup> day of Aug, 2009.

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11 The Honorable Robert J. Bryan  
12 United States District Judge  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 4<sup>th</sup> day of August, 2009, I caused to be served the foregoing *Stipulated Motion and Order to File Amended Complaints, Continue Trial Date, and Amend Case Schedule and all attached exhibits* on the following parties via United States District Court – Western District of Washington’s Electronic Case Filing System (“ECF”) at the following address:

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return receipt requested  
hand delivery  
facsimile  
electronic service  
other (specify) \_\_\_\_\_

/s/ Philip T. Kasin

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CERTIFICATE OF SERVICE - 1

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